

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

CARRON LEE PRIMUS,

Plaintiff,

vs.

**MR. FRY and
JACKSON COUNTY JAIL,**

Defendants.

Case No. 24-cv-00339-SMY

ORDER

YANDLE, District Judge:

This matter is before the Court for case management. The case was opened on February 8, 2024, after the United States District Court for the Eastern District of Missouri transferred it to this federal judicial district. *See Primus v. Fry, et al.*, No. 24-cv-00122 (E.D. Mo. filed Jan. 23, 2024). Plaintiff's "complaint" took the form of a 2-page handwritten "letter complaint" that was unsigned. (Doc. 1). Plaintiff submitted it without payment of the \$405.00 filing fee or a motion for leave to proceed *in forma pauperis* (IFP motion).

At the time of case opening, this Court mailed Plaintiff two Notices concerning the action, *see* Docs. 5 and 6. In the first, Plaintiff was instructed to sign and return a Notice and Consent to Proceed Before a Magistrate Judge Jurisdiction Form ("Notice and Consent") on or before February 29, 2024, *see* Doc. 5. In the second, he was advised of his obligation to either prepay the filing fee of \$405.00 or file an IFP motion without prepayment of the filing fee on or before March 11, 2024, *see* Doc. 6. Plaintiff was also advised of his ongoing duty to promptly notify the Court of any address change, within fourteen days, by filing written notice of the same. Plaintiff was also warned that the action would be dismissed for failure to comply with these Orders. *Id.*

Plaintiff missed the original and extended deadlines for submitting his Notice and Consent on February 29, 2024 (Doc. 5) and March 8, 2024 (Doc. 7). He also missed the deadline for paying his filing fee or filing an IPF motion by March 11, 2024 (Doc. 6). The Court entered an Order to Show Cause that required Plaintiff to demonstrate why this case should not be dismissed for noncompliance with the Court's Orders at Docs. 5, 6, and 7 and for failure to prosecute his claims (Doc. 8). Plaintiff's response was due March 26, 2024, and he missed this deadline as well.

The Court has since received mail addressed to Plaintiff and returned undelivered because he is no longer at Jackson County Jail, *see* Docs. 7-10. To date, Plaintiff has not submitted: (1) a signed Complaint; (2) a \$405.00 filing fee or an IFP motion; (3) a show cause response; or (4) an updated address. Plaintiff has missed all deadlines set in this case, and the Court will not allow this matter to linger indefinitely.

This case is **DISMISSED without prejudice** for failure to comply with a court order and prosecute his claims herein. FED. R. CIV. P. 41(b); *see James v. McDonald's Corp.*, 417 F.3d 672, 681 (7th Cir. 2005); *Lucien v. Breweur*, 9 F.3d 26, 29 (7th Cir. 1993) (dismissal for failure to prosecute is presumptively with prejudice).

If Plaintiff wishes to appeal this dismissal, his notice of appeal must be filed with this Court within thirty days of the entry of judgment. FED. R. APP. P. 4(a)(1)(A). A proper and timely motion filed pursuant to Federal Rule of Civil Procedure 59(e) may toll the 30-day appeal deadline. FED. R. APP. P. 4(a)(4). A Rule 59(e) motion must be filed no more than twenty-eight (28) days after the entry of the judgment, and this 28-day deadline cannot be extended. A motion for leave to appeal *in forma pauperis* must set forth the issues Plaintiff plans to present on appeal. *See* FED. R. APP. P. 24(a)(1)(C). If Plaintiff does choose to appeal, he will be liable for the \$605.00 appellate filing fee irrespective of the outcome of the appeal. *See* FED. R. APP. P. 3(e); 28 U.S.C.

§ 1915(e)(2); *Ammons v. Gerlinger*, 547 F.3d 724, 725-26 (7th Cir. 2008); *Sloan v. Lesza*, 181 F.3d 857, 858-59 (7th Cir. 1999); *Lucien v. Jockisch*, 133 F.3d 464, 467 (7th Cir. 1998).

The Clerk is **DIRECTED** to **CLOSE THIS CASE** and enter judgment accordingly.

IT IS SO ORDERED.

DATED: April 3, 2024

s/ Staci M. Yandle
STACI M. YANDLE
United States District Judge